

02-08-06

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/484895 ✓
Filing Date	January 18, 2000
First Named Inventor	John Joseph HARRINGTON
Art Unit	1636
Examiner Name	Q. Nguyen
Attorney Docket Number	ATX-007CP4DV7

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Date Stamped Return Receipt Postcard dated September 26, 2005 (1 page); and Copy of all Documents filed on September 26, 2005 (73 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Cynthia L. Kanik, Ph.D.		
Date	February 6, 2006	Reg. No.	37,320

Express Mail No.: EV 466141866 US



Docket No.: ATX-007CP4DV7
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John J. Harrington *et al.*

Application No.: 09/484895

Confirmation Number: 1246

Filed: January 18, 2000

Art Unit: 1636

For: **COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES**

Examiner: Q. Nguyen

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER CFR §1.181

Dear Sir:

In response to a Notice of Abandonment mailed from the U.S. Patent and Trademark Office on January 25, 2006, in error, for allegedly failing to timely file corrected Formal Drawings, Applicants submit this petition to withdraw the holding of Abandonment in the above-identified patent application.

Applicants respectfully submit a copy of the date stamped return receipt postcard as *prima facie* evidence that the Applicants timely filed corrected Formal Drawings along with the payment of the issue fee on September 26, 2005. Applicants herewith submit a copy of all of the documents filed on September 26, 2005, using the Express mail procedure for the Office's convenience.

In view of the foregoing, Applicants respectfully request timely grant of this petition, revival of the above-identified patent application and its issuance into a U.S. Patent.

Should there be any remaining issues, the Office is urged to call Applicant's attorney at (617) 227-7400. Applicants believe no fee is due with this Petition. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. ATX-007CP4DV7 from which the undersigned is authorized to draw.

Dated: February 6, 2006

By

Respectfully submitted,



Cynthia L. Kanik, Ph.D.
Registration No. 37,320
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617)227-7400 (Tel.)
(617) 742-4214 (Fax)
Attorney for Applicants

Inventor: John Joseph HARRINGTON et al.**Application No.:** 09/484895-Conf. #1246**Filing Date:** January 18, 2000**Title:** COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES**Documents Filed:**

Transmittal (1 page)

Issue Fee Transmittal PTOL-85 (1 page)

Fee Transmittal (1 page, in duplicate)

Submission of Formal Drawings (1 page)

Formal Drawings - Figures 1-37C (62 sheets)

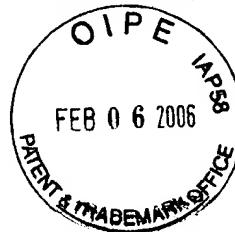
Copy of Draftsperson's Notice dated April 15, 2003
(1 page)

Terminal Disclaimer (2 pages)

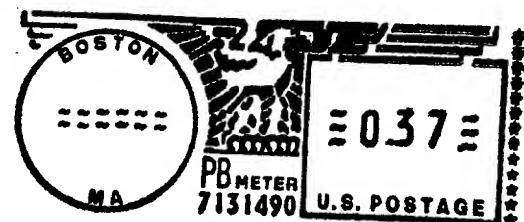
Return Receipt Postcard

Certificate of Express Mailing (1 page)

Charge \$1,560.00 to deposit account 12-0080

Via: Express Mail: Airbill No. EV 553871405 US**Sender's Initials:** CLK/SM/sk**Date:** September 26, 2005

COPY



NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

LAHIVE & COCKFIELD, LLP
28 STATE STREET
BOSTON, MA 02109

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LAHIVE & COCKFIELD
DOCKET DEPT.
OCT 04 2005
RETRIEVED _____
FORWARDED _____

02109+1784-99 C007

A circular stamp with the text "OIPE" at the top and "IAP58" at the bottom. The date "FEB 06 2006" is in the center, and a serial number "3034" is on the right side.

COPY

ORIGIN (POSTAL SERVICE USE ONLY)		DESTINATION (POSTAL SERVICE USE ONLY)	
PO ZIP Code C2105	Day of Delivery 9/26/05	Postage \$ 13.65	Delivery Attempt Mo. Day
Scheduled Date of Delivery 9/26/05		Return Receipt Fee <input checked="" type="checkbox"/>	Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM Employee Signature <i>John S. O'Neil</i>
Time Accepted 8 AM		Month Day Sept 26	Delivery Attempt Mo. Day
Scheduled Time of Delivery 1 PM		Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM Employee Signature <i>John S. O'Neil</i>	
Flat Rate <input type="checkbox"/> or Weight 14.6 lbs		COD Fee \$ 0.00	Acceptance End <input checked="" type="checkbox"/> 1 PM
Int'l Alpha Country Code X022081		Insurance Fee \$ 0.00	Acceptance End <input checked="" type="checkbox"/> 1 PM
Total Postage & Fees \$ 13.65			
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CUSTOMER USE ONLY		NO DELIVERY <input type="checkbox"/>	
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LAHIVE & CUCKFIELD LLP 28 STATE ST FL 24 BOSTON MA 02109-1784		MS Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
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FEDERAL AGENCY ACCT. NO. OR POSTAL SERVICE ACCT. NO.			



PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/484895-Conf. #1246
		Filing Date	January 18, 2000
		First Named Inventor	John Joseph HARRINGTON
		Art Unit	1636
		Examiner Name	Q. Nguyen
Total Number of Pages in This Submission		Attorney Docket Number	ATX-007CP4DV7

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawings (62 sheets)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTOL-85; Submission of Formal Drawings; Copy of Draftsperson's Notice dated April 15, 2003; Certificate of Express Mailing; and Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Sapna Mehtani, Ph.D., J.D.		
Date	September 26, 2005	Reg. No.	56,126

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 553871405 US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2005

Signature:

(Sapna Mehtani, Ph.D., J.D.)



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **1,560.00**

Complete if Known	
Application Number	09/484895-Conf. #1246
Filing Date	January 18, 2000
First Named Inventor	John Joseph HARRINGTON
Examiner Name	Q. Nguyen
Art Unit	1636
Attorney Docket No.	ATX-007CP4DV7

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION
1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u> <u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity</u> <u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity</u> <u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES
Fee Description

Each claim over 20 (including Reissues)

<u>Small Entity</u>	
<u>Fee (\$)</u>	<u>Fee (\$)</u>

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 =	x	=			
- 3 =	x	=			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

130.00

Other (e.g., late filing surcharge): 2814 Statutory Disclaimer

1400.00

1501 Utility issue fee

30.00

8001 Printed copy of patent w/o color

SUBMITTED BY

<u>Signature</u>	<u>Sapna Mehtani</u>	Registration No. (Attorney/Agent)	56,126	Telephone	(617) 227-7400
Name (Print/Type)	Sapna Mehtani, Ph.D., J.D.			Date	September 26, 2005

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Dated: September 26, 2005

Signature: Sapna Mehtani (Sapna Mehtani, Ph.D., J.D.)



Docket No.: ATX-007CP4DV7
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John J. Harrington *et al.*

Application No.: 09/484895

Confirmation Number: 1246

Filed: January 18, 2000

Art Unit: 1636

For: COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES

Examiner: Q. Nguyen

SUBMISSION OF FORMAL DRAWINGS

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith one set (sixty-two sheets, Figures 1 – 37C) of formal drawings for filing in the above-identified patent application in response to a Notice of Draftsperson's Patent Drawing Review dated April 15, 2003. A copy of the notice is enclosed.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. ATX-007CP4DV7 from which the undersigned is authorized to draw.

Dated: September 26, 2005

Respectfully submitted,

By Sapna Mehtani
Sapna Mehtani, Ph.D., J.D.
Registration No.: 56,126
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicants

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Dated: September 26, 2005

Signature: Sapna Mehtani (Sapna Mehtani, Ph.D., J.D.)



NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

COPY

The drawing(s) filed (insert date) 1-13-00 are:

A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

Color drawings are not acceptable until petition is granted.

Fig(s) _____

Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

1 full-tone set is required. Fig(s) _____

Photographs may not be mounted. 37 CFR 1.84(e)

Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable.

Fig(s) _____

Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

Mylar, velum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4)

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size.

Sheet(s) _____

Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) 1-12, 14A-17, 23, 25, 20, 50A

Top (T) _____

Left (L) _____

Right (R) _____

Bottom (B) 35A, 37A-37C

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity.

Fig(s) _____

Views not labeled separately or properly.

Fig(s) _____

Enlarged view not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

Hatching not indicated for sectional portions of an object.

Fig(s) _____

Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion, when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS.

37 CFR 1.84(j)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) 1-37C

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) _____

Solid black shading not permitted. Fig(s) _____

Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) 1-37C

Figure legends are poor. Fig(s) 1-37C

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) _____

English alphabet not used. 37 CFR 1.84(p)(2)

Figs. _____

Numbers, letters and reference characters must be at least 32 cm (1 1/8 inch) in height. 37 CFR 1.84(p)(3)

Figs. _____

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) _____

Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948 dated _____

7. DESIGN DRAWINGS. 37 CFR 1.152

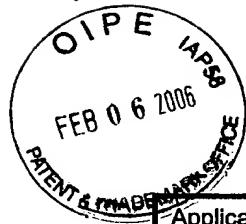
Surface shading shown not appropriate. Fig(s) _____

Solid black shading not used for color contrast.

Fig(s) _____

COMMENTS

REVIEWER CHAS P. DATE 4-15-03 TELEPHONE NO. 703 305 8430



Application No. (if known): 09/484895

Attorney Docket No.: ATX-007CP4DV7

Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents
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Alexandria, VA 22313-1450

on September 26, 2005
Date

Signature

Sapna Mehtani

Typed or printed name of person signing Certificate

56,126
Registration Number, if applicable

(617) 227-7400
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 page)
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